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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,834	03/31/2000	Todd Siegel	084016.00009	9608
33448	7590	08/18/2005	EXAMINER	
ROBERT J. DEPKE LEWIS T. STEADMAN TREXLER, BUSHNELL, GLANGLORGI, BLACKSTONE & MARR 105 WEST ADAMS STREET, SUITE 3600 CHICAGO, IL 60603-6299			TAWFIK, SAMEH	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b> 09/539,834	<b>Applicant(s)</b> SIEGEL ET AL.	
	<b>Examiner</b> Sameh H. Tawfik	<b>Art Unit</b> 3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |  |  |
|--|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>07112005</u> . | 20) <input type="checkbox"/> Other:  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemasa et al. (5,765,606) in view of Knudsen (4,490,963).

Takemasa discloses a method of filling solid pharmaceutical product packaging comprising the steps of automatically selectively dispensing one or more solid pharmaceutical products from a plurality of different drug sources (Fig. 3; via tablet cases 7) into a common funnel (Figs. 3 and 4; via 33) and effecting relative motion in at least two directions of motions between the funnel (33) and package template (Fig. 6; via package V), note that funnel 33 rotates and it is inherent that the package V movable to located under the funnel; to selectively locate the funnel (33) over individual ones of the package (V) in order to place one or more solid pharmaceutical products from the plurality of different drug sources (7) into each of said of packages, and thereafter automatically transferring the solid pharmaceuticals located package member (Fig. 6); wherein the two directions of motion are generally perpendicular (via by rotating the funnel 33 and moving package V up/down or forward back-word) and the funnel (33) being selectively located at each of the individual cavities of the package (V) to thereby fill each of the package cavities in a two dimensional array with one or more solid pharmaceutical products (Fig. 6). Shimizu does not disclose a package template cavities; nor while dispensing

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the solid pharmaceutical products, simultaneously sealing another pharmaceutical product package that has been previously filled; nor a step of printing information on a pharmaceutical product package; nor placing the cavities beneath the funnel. However, Knudsen discloses a similar method of filling solid pharmaceutical product packaging comprising a package template cavities (Figs. 6 and 12; via 2); and while dispensing the solid pharmaceutical products, simultaneously sealing another pharmaceutical product package that has been previously filled (Figs. 1 and 6; via sealing station 18 placed after loading station 16 on the sheet feeding direction); a step of printing information on a pharmaceutical product package (Fig. 2; column 2, lines 11-13); and placing the cavities beneath the filling means (Fig. 5; via loading station) and simultaneously dispensing first and second pharmaceuticals from first and second canisters into the template cavity (Figs. 2 and 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Shimizu's method of filling solid pharmaceutical product packaging by using a package template cavities; and while dispensing the solid pharmaceutical products, simultaneously sealing another pharmaceutical product package that has been previously filled; a step of printing information on a pharmaceutical product package; and placing the cavities beneath the funnel, as suggested by Knudsen, in order to package two capsules at a time to speed up the process and providing information concerning the objects being packaged on the material from which the package is formed (column 2, lines 8-14).

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*Conclusion*

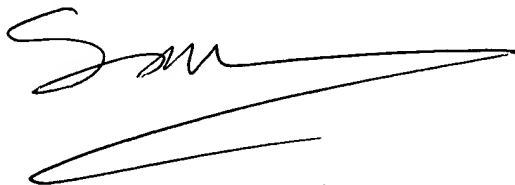
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470.

The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721

A handwritten signature in black ink, appearing to be 'Sameh', with a long horizontal flourish extending to the right.

ST.